

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JORGE CALDERON-CANAS,	)	
Movant,	)	No. 3:16-CV-1764-M-BH
vs.	)	No. 3:13-CR-466-M (5)
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

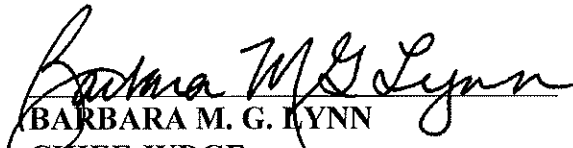
**ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- (X) The movant's *Affidavit of Indigency* and *Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis*, with a certificate of inmate trust account, received from the Fifth Circuit Court of Appeals for processing in this Court on December 18, 2019 (doc. 25), is **DENIED** for the following reasons:
- (X) The Court certifies under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that the appeal presents no legal points of arguable merit and is therefore frivolous.<sup>1</sup>

**Although this Court has denied the request to proceed *in forma pauperis* on appeal, the defendant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).**

SIGNED this 21 day of January, 2020.

  
(BARBARA M. G. LYNN)  
CHIEF JUDGE

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<sup>1</sup> A certificate of appealability was denied on September 24, 2019. (See doc. 20.)